CHAPTER 5

THE CASE FOR COLLUSION

Putin's Payoff

2016–PRESENT

The threat Russian interference poses to American democracy didn't end with Donald Trump's election. Trump has pursued a foreign policy agenda that advances Russia's objectives, including by attacking the U.S. intelligence community, opposing sanctions and strong responses against Russia, weakening the transatlantic alliance, and undermining democratic institutions at home, all while praising autocrats and attacking democratically elected leaders of close allies.

Scrutiny of Trump and his campaign's ties to Russia has not quelled the president's public and private pursuit of better relations between the United States and Russia. During the transition, members of Trump's team continued secretly meeting and conversing with representatives of the Russian government, coordinating strategies to counter the Obama administration's policies toward Russia. Meanwhile, Trump has repeatedly demonstrated his affinity toward President Vladimir Putin in both his rhetoric and his actions, all while the Kremlin has continued its campaign of asymmetrical aggression.

THE TRANSITION

Russia wasted no time celebrating the election's results. Members of Russia's parliament applauded when Trump's victory was announced. The next day, a senior Russian official acknowledged what Trump and his team would continue denying for months: There had been many connections between the Trump campaign and representatives of the Kremlin. "There were contacts," said Sergei Ryabkov, Russia's Deputy Foreign Minister. "We are doing this and have been doing this during the election campaign. Obviously, we know most of the people from his entourage. . . . I cannot say that all of them, but quite a few have been staying in touch with Russian representatives."

SUSPICIOUS MEETINGS AND CONTACTS

The contacts between Trump's team and Kremlin-linked figures continued throughout the transition period.

Kislyak meets with Flynn and Kushner

On December 1 or 2, 2016, Trump's son-in-law Jared Kushner and Trump's pick for national

security adviser Lt. Gen. Michael Flynn secretly met with the Russian ambassador Sergey Kislyak in Trump Tower. The White House only disclosed the meeting the following March, when Kushner refiled his security clearance paperwork due to significant omissions on his first submission. In May 2017, *The Washington Post* reported the purpose of the meeting: Kushner, Flynn, and Kislyak discussed "setting up a secret and secure communications channel between Trump's transition team and the Kremlin, using Russian diplomatic facilities in an apparent move to shield their pre-inauguration discussions from monitoring" by U.S. intelligence. The White House did not comment on the details of the report, but said the meeting was typical by diplomatic standards. But as a former Justice Department employee wrote in *Politico*, establishing a back-channel with an adversary, with the specific intent of circumventing the American diplomatic and intelligence apparatus, not only was a major breach of protocol but also raised questions of whether Kushner and Flynn had illegally acted to benefit a foreign government.

Kushner meets with Gorkov in Trump Tower

Kislyak then reportedly arranged for Kushner to meet with Sergei Gorkov, the head of the sanctioned Russian state-run bank Vnesheconombank and a close adviser to Putin. Accounts of the meeting, which Kushner failed to disclose until months later, differed significantly. The White House claimed the meeting was a standard diplomatic affair; VEB, however, said Gorkov and Kushner discussed Kushner's real estate company. The conflicting explanations highlight a major concern about the Trump campaign's ties to Russia: Several high-ranking members of Trump's team, including Kushner and the president himself, have violated longstanding norms of financial divestment and disclosure by retaining ownership and partial control of their private businesses while in office. Kushner came into office reportedly deep in debt and seeking a bailout for his floundering real estate empire, making him uniquely vulnerable to conflicts of interest and potentially even compromising him financially. Kushner's conflicts of interest and meetings with Russia-linked figures are reportedly part of the reason he didn't receive permanent security clearance until more than a year into his position with the administration. Through a spokesperson, Kushner has denied that his business interests have played any role in his decisions.

Carter Page returns to Moscow

In mid-December 2016, former campaign aide Carter Page headed to Moscow again for meetings with senior Russian officials. By then, the U.S. intelligence community had been surveilling Page for at least two months based on a Foreign Intelligence Surveillance Act (FISA) warrant they had received in October. The warrant was ultimately renewed at least four times, indicating that the intelligence community and the FISA court had agreed on four separate occasions that the surveillance was yielding valuable information.

Flynn-Kislyak phone calls

The biggest controversy surrounding Trump's transition team involved Lt. Gen. Flynn's phone calls with Kislyak. On December 29, 2016, President Barack Obama announced that, in response to Russia's interference in the 2016 election, the United States was sanctioning five Russian entities and four individuals and expelling 35 Russian operatives.

Over the next several hours, Flynn (at the time in the Dominican Republic) and Kislyak had five phone conversations about the sanctions; between their calls, Flynn called Trump's transition team headquarters at Mar-a-Lago in Palm Beach, Florida. The next morning, the Russian government announced it would not retaliate for the sanctions; three hours later, Trump praised Putin in a tweet, saying, "Great move on delay (by V. Putin)—I always knew he was very

smart!"

Flynn's phone calls with Kislyak remained secret for two weeks. On January 12, 2017, *The Washington Post* first reported that the conversations had happened, along with statements from the Trump transition team asserting that the calls began before the Obama administration announced its sanctions and that the pair did not discuss the topic. The Trump transition team sent high-ranking officials such as Vice President-elect Mike Pence and future chief of staff Reince Priebus to repeat the assertion on national television.

The Trump transition team's actions began catching up to them shortly after Trump took office. Just two days after becoming national security adviser, Flynn lied to the FBI about the subject of his calls with Kislyak. After the interview, acting Attorney General Sally Yates approached White House counsel Donald F. McGahn II to warn him that she believed Flynn was compromised.

The administration's story fell apart on February 9, 2017, when *The Washington Post* reported that Flynn and Kislyak did discuss sanctions and that the phone calls "were interpreted by some senior U.S. officials as an inappropriate and potentially illegal signal to the Kremlin that it could expect a reprieve" from sanctions. Four days later, Flynn resigned, ostensibly pushed out for lying to Pence about his communications with Kislyak.

But the story of Flynn's departure has never added up. According to the guilty plea Flynn signed in December 2017, in which he pleaded guilty to lying to the FBI about his conversations with Kislyak, Flynn was in touch with Trump transition officials at Mar-a-Lago in between the phone calls. If Flynn truly resigned because he lied to Pence, it seems that other transition officials were aware of his behavior, which suggests that either they, too, were lying to Pence or that Flynn resigned—or was pushed out—for another reason. His son, Michael Flynn Jr., has tweeted that his father did not lie to Pence, apparently confirming a tweet in which Trump appeared to say he fired Flynn for lying to the FBI. Additionally, Trump's team had long been vocal about improving relations with Russia, which makes it unclear why Flynn would seek to keep his conversations with Kislyak a secret, as they were a part of achieving that very public goal. These contradictions suggest there is another explanation, to which former Deputy Attorney General Sally Yates seems to have alluded in May 2017 when she told the Senate that, even before his interview with the FBI, Flynn's "underlying conduct" was "problematic in and of itself."

Seychelles meeting

On or around January 11, 2017, Erik Prince, the founder of the mercenary firm Blackwater and an unofficial adviser to Trump, met in the Seychelles with Kirill Dmitriev, the head of the sanctioned Russian Direct Investment Fund (RDIF). According to *The Washington Post*, Prince "presented himself as an unofficial envoy for Trump" in a meeting intended "to establish a back channel between the incoming administration and the Kremlin." Prince initially claimed the meeting was unplanned and had nothing to do with his relationship to Trump; however, *The Washington Post* has since reported that Mueller has evidence that the meeting's purpose was in fact to establish back-channel communications with the Kremlin.

It wasn't until September 2018, when reporters at The Daily Beast published excerpts from Dmitriev's contemporaneous notes from the meeting, that the American public first began to learn what actually took place in the Seychelles. The note outlines several possible policy areas for increased cooperation between the United States and Russia, with two consistent themes. First, most of the proposals would require that the United States lift sanctions to facilitate cooperation between U.S. government agencies and RDIF; and second, that Dmitriev approached the meeting as if Prince was a representative of Trump's team, further discrediting

Prince's initial contention that the meeting had nothing to do with his role advising Trump. Prince has so far declined to comment on the revelations.

THE INTELLIGENCE COMMUNITY REPORT

Throughout the transition, the intelligence community was working on its report assessing Russian interference in the 2016 election. On December 9, *The Washington Post* reported that a secret CIA assessment had concluded that "Russia intervened in the 2016 election to help Donald Trump win the presidency, rather than just to undermine confidence in the U.S. electoral system." Trump's transition team, fresh off multiple secret meetings with high-ranking Russian officials, responded by challenging the credibility of the entire intelligence community: "These are the same people that said Saddam Hussein had weapons of mass destruction," the transition team said in a statement.

The intelligence community ultimately released the report on January 6, 2017. The declassified version of the assessment, which reflected a unanimous consensus from 17 separate intelligence agencies, not only found that Russia had acted out of direct interest in ensuring Trump's election but also outlined many of the mechanisms used to do so. Additionally, the intelligence community also briefed Trump on a declassified version. According to *The New York Times*, the briefing included not just the content of the report but also "texts and emails from Russian military officers and information gleaned from a top-secret source close to Mr. Putin, who had described to the C.I.A. how the Kremlin decided to execute its campaign of hacking and disinformation." Trump publicly addressed the report on January 11, 2017, at his only press conference during the transition, acknowledging for the first time that Russia had hacked the DNC and John Podesta during the election, but adding, "I think we also get hacked by other countries and other people."

THE ADMINISTRATION

SANCTIONS

The Trump administration began working to improve relations with Russia minutes after Trump became president. During Trump's inaugural address, Lt. Gen. Flynn reportedly texted an associate that sanctions against Russia would be "ripped up" as part of a deal to build nuclear power plants in the Middle East. The "Middle East Marshall Plan," developed by two companies Flynn advised prior to becoming national security adviser, would require cooperation between companies in the United States and Europe and sanctioned Russian entities, and would therefore provide cover for the Trump administration's efforts to remove sanctions on Russia. The plan was put before the career National Security Council staff, who balked at the proposal and protested the effort because it was seen a giveaway to Russia and potentially dangerous from a nuclear proliferation perspective.

According to *The Daily Beast*, in the early days of Trump's presidency, the administration also considered withdrawing troops from Eastern Europe to please Putin. A National Security Council staffer reportedly suggested in February 2017 that the United States move troops from Russia's borders as part of a broader strategy proposal to "reframe[e] our interests within the context of a new relationship with Russia." The administration did not act on the suggestion.

Despite its reported early efforts to do so, the Trump administration has not undone sanctions that the Obama administration placed on Russia. However, it has repeatedly undermined attempts to impose new measures to punish Russia's attacks on the United States and other countries.

In July 2017, Congress passed a bill imposing new sanctions on Russia and restricting the White House's ability to remove existing sanctions. In retaliation, Putin ordered the United States to drastically cut its diplomatic staff in Moscow—a decision Trump praised, saying it would save the country money. Trump, facing veto-proof majorities in both houses of Congress (419-3 in the House and 98-2 in the Senate), signed the bill in August 2017, but released a signing statement calling some of the provisions of the law unconstitutional.

Since then, the Trump administration has repeatedly demonstrated it has no desire to enforce the sanctions. First, the administration ignored the October 1, 2017, deadline for providing guidance on implementing the sanctions, ultimately doing so on October 26. In the intervening weeks, the U.S. Department of State defunded and dissolved the office of the coordinator for sanctions policy, whose job it would have been to enforce the measures.

Then, when it came time to enact the legislation in January 2018, the administration again abdicated its responsibility. The bill has three main components: First, the State Department is supposed to impose new sanctions on the Russian defense and intelligence sector; second, the U.S. Department of the Treasury is supposed to identify Russian oligarchs and government-linked figures on whom new restrictions could be placed; and third, the Treasury Department is supposed to release a report on the potential impact of additional sanctions on Russian sovereign debt.

The administration capitulated on all three fronts. Despite warnings from several government officials, including then-Secretary of State Rex Tillerson, that Russia was continuing to meddle in foreign elections, the State Department announced on January 29 that the administration considered sanctioning the Russian government unnecessary to deter further meddling. Meanwhile, the list of oligarchs and Kremlin-linked individuals the Treasury Department published was quickly revealed to have been copied from a combination of a *Forbes* list of Russian billionaires and the Kremlin's own website, creating a document so all-encompassing as to be effectively useless. *The Guardian* subsequently reported that the list was a replacement for a more carefully cultivated list that had been previously drafted. Finally, the sovereign debt report concluded that the downstream economic effects, or "contagion," from potential future sanctions on Russian sovereign debt were too dangerous for the United States to ever impose new sanctions. When the administration did announce new sanctions in March, they almost exclusively targeted individuals who were already under sanction or indictment, rendering them effectively useless.

However, on April 6, the Treasury Department announced wider-ranging sanctions that hammered the aluminum empire of Kremlin-linked oligarch Oleg Deripaska. Though the sanctions were initially presented as the first in a series of steps that would punish Russia not only for its election interference but also its military actions in Syria, the administration soon announced it had no intention to roll out additional measures. After word of no further action, Russia's stock market rebounded, counteracting the sanctions' intended effects. Furthermore, the Treasury Department has repeatedly floated giving the aluminum magnate Deripaska a reprieve from the sanctions on him and his company.

EXPELLING DIPLOMATS

Trump reportedly attempted to undercut the U.S. response to the Kremlin's alleged attempt to assassinate a former Russian intelligence agent living in the U.K. After the United States expelled 60 Russian diplomats in retribution, Trump reportedly fumed that the response was too harsh and would worsen relations with Russia.

CRIMEA

Lt. Gen. Flynn was also involved in another effort to undermine American sanctions on Russia during the transition. In early 2017, Felix Sater and Trump's lawyer Michael Cohen attempted to facilitate discussions between Flynn and the pro-Kremlin Ukrainian politician Andriy Artemenko. According to *The New York Times*, Artemenko approached Sater with a "peace plan" for Ukraine and Russia in which Ukraine would vote to lease Crimea to Russia; in return, the United States would lift the sanctions it had placed on Russia in the aftermath of the 2014 invasion of Ukraine. Sater passed the plan to Cohen, who delivered it to Flynn. Cohen, Sater, and Artemenko have all acknowledged their roles in the plan; it is unclear whether Flynn considered the proposal, and he resigned without implementing or commenting on it.

Trump has also repeatedly suggested that he would be willing to recognize Russia's invasion of Crimea as legitimate. In direct contradiction to members of his own cabinet, Trump has refused to categorically condemn the annexation. He has repeatedly blamed Obama, and not Putin, for Russia's annexation of Crimea, saying that the invasion occurred because Obama didn't provide Putin a worthy enough adversary. Behind closed doors, he reportedly told other G-7 leaders that he believes Crimea is part of Russia "because everyone who lives there speaks Russian," closely mirroring one of Putin's chief talking points on the subject.

Implicitly, Trump has also moved to legitimize Russia's annexation of Crimea. On the campaign trail, he repeatedly criticized sanctions the West implemented to punish the annexation, and in office he has said Russia should be allowed to rejoin the G-7 after having been expelled in the invasion's aftermath. Trump has even said that it is within his authority to unilaterally override a congressional directive against "any activity that recognizes the sovereignty of the Russian Federation over Crimea."

IN PRAISE OF PUTIN

Another major pattern of Trump's presidency has been the contrast between his praise of Putin and his apparent rejection of transatlantic alliances. Trump has repeatedly insulted Western leaders and questioned the value of the North Atlantic Treaty Organization; meanwhile, he refrained from criticizing Putin until more than a year into his first term. On May 25, 2017, while speaking at NATO's annual summit in Brussels, Belgium, Trump failed to reaffirm the United States' commitment to the treaty's Article 5, which asserts that an attack against one member organization is an attack on all of its members; it is one of the cornerstones of the North Atlantic Alliance. After the summit, *Politico* reported that a previous draft of Trump's speech did reaffirm Article 5, but the sentence was deleted at the last minute without the knowledge of Trump's national security team.

Trump eventually did reaffirm the United States' commitment to Article 5 in a speech in Poland on July 6, 2017, only to again demonstrate his preference for Putin the next day at the G-20 summit in Germany. During the summit, Trump had at least two meetings with Putin, lasting for at least three hours, without any U.S. diplomatic staff present. The administration failed to disclose one of these meetings, which occurred during a dinner for all the world leaders at the summit. Trump responded to reports about the conversations on Twitter, saying, "Fake News story of secret dinner with Putin is 'sick.' All G 20 leaders, and spouses, were invited by the Chancellor of Germany. Press knew!" According to *The Washington Post*, however, while other world leaders noticed Trump's conversations with Putin, the press did not learn of the conversation for several days.

In December 2017, Trump exchanged two calls with Putin that reinforced concerns about

Trump's pro-Putin stance. On December 14, Trump called Putin to thank him for "acknowledging America's strong economic performance in [Putin's] annual press conference." Three days later, Putin returned the favor, calling Trump to thank him for an intelligence tip that had helped prevent a terrorist attack in St. Petersburg.

And in March of 2018, despite explicit instructions from his national security staff not to do so, Trump called Putin to congratulate the Russian president on winning an election that international observers described as "characterized by restrictions on fundamental freedoms [and a] lack of genuine competition." The Kremlin subsequently revealed that during the conversation Trump invited Putin to a White House summit. Meanwhile, Trump avoided mentioning Russian interference in the 2016 election or the ongoing international incident involving the Russian government's alleged attempted assassination of the former Russian intelligence agent living in Britain. Trump later tweeted that he congratulated rather than criticized Putin because "getting along with Russia (and others) is a good thing," a sentiment he echoed in a press conference with Baltic leaders.

ATTACKS ON THE U.S. INTELLIGENCE COMMUNITY

Trump has also benefited Putin through his continued attempts to undermine the U.S. intelligence community's conclusion that Russia meddled in the 2016 election. During his first year in office, Trump publicly and repeatedly expressed his doubts that Russia interfered, at one point citing Putin's personal assurances that the Kremlin had not done so. Behind-the-scenes reports contend that he remains privately skeptical about the origin of the hacks.

ATTACKING NATO ALLIES

Trump's antagonism toward Western allies goes far beyond his initial refusal to reaffirm NATO's Article 5. Trump has repeatedly attacked European leaders, straining relations with countries ranging from Canada and the United Kingdom to Australia. He has repeatedly undermined unifying aspects of global summits, such as when he unexpectedly backed out of a traditional joint communiqué at the end of the 2018 G-7 summit and threatened to impose additional tariffs on Canada in response to a perceived slight from Canadian Prime Minister Justin Trudeau. Trump's own staff have reportedly begun negotiating deals with other leaders attending upcoming summits prior to Trump's arrival, to ensure that he doesn't create further tensions and derail their alliances.

One of the most frequent targets of Trump's ire is Germany's Prime Minister Angela Merkel. Trump repeatedly criticized Merkel during his campaign, accusing her of implementing unfair trade practices and attacking her relatively permissive stance toward refugees. In office, his criticisms have continued: Trump has insulted his German counterpart on Twitter, saying that Germans "are turning against their leadership" on the subject of illegal immigration, and appointed the notorious far-right troll Richard Grenell as the U.S. ambassador to Germany. Grenell told *Breitbart News* that he considers it part of his job to "empower" conservative politicians across Europe, prompting German politicians to call for the U.S. to withdraw Grenell.

In person, Trump's treatment of Merkel has been, if anything, even worse. When Merkel came to the White House in March 2017, her first such visit during Trump's administration, Trump appeared to refuse to shake her hand at a joint press conference in the Oval Office. During the 2018 G-7 summit in Quebec, Canada, a member of Merkel's staff posted a photo on Instagram in which Merkel stood at the head of the rest of the summit's leaders in apparent tense negotiations with Trump, who remained seated with his arms crossed in apparent defiance. At the summit, Trump reportedly threw Starburst candy on the table in front of Merkel and told

her, “Don’t say I never give you anything.”

These insults matter for two main reasons. The first is that they deliver on one of Putin’s key goals, which is to divide NATO and other transatlantic alliances, thus strengthening Putin’s own hand in international negotiations. Trump’s erratic behavior toward other world leaders appears to have contributed to a precipitous drop in other countries’ sense of trust in the United States. Additionally, Trump’s constant criticism highlights just how unusual his praise for Putin truly is: Trump apparently sees no problem with potentially alienating the leaders of some of America’s closest allies, but repeatedly refuses to criticize Putin, citing the desire to improve relations with Russia.

THE HELSINKI SUMMIT

Perhaps the most shocking demonstration of the president’s deference to and admiration for Putin came at their joint summit in Helsinki, Finland, on July 16, 2018. The preceding week, Trump attacked allies at NATO’s annual summit in Brussels and during a visit to the U.K., including by accusing the German government of being a “captive” of Russia and attacking British Prime Minister Theresa May for her Brexit negotiation strategy.

The Friday prior to the summit, the special counsel indicted 12 agents in the GRU, Russia’s main intelligence directorate, for allegedly hacking and disseminating Democratic operatives’ emails during the 2016 election. Though the fact that the GRU carried out the hacks was widely known prior to the indictment, the charging documents outlined numerous previously unknown details, such as the names of the hackers and, in some instances, the times of specific cyberattacks. The indictment also revealed additional contacts between Americans and suspected Russian agents, including at least one congressional candidate who directly reached out to a GRU cut-out with a request for stolen documents, and noted that GRU officers attempted to penetrate Clinton’s private email server hours after Trump publicly suggested they do so. Several Democratic officials, and even some Republicans, responded by calling on the president to cancel the upcoming summit. As if to underscore the extent of Russia’s interference, the Justice Department announced on July 15 that it had arrested Maria Butina, a Russian graduate student in Washington, D.C., for allegedly infiltrating conservative political groups, most notably the NRA, on behalf of the Russian government.

On July 16, Trump had an extended meeting with Putin, behind closed doors and with no staff members present except for a translator; what they discussed remains unknown. Afterward, Trump and Putin held a joint press conference at which the president made several alarming statements. Within days of the indictment of 12 Russian agents for an unprecedented and unprovoked attack on American democracy, Trump failed to dispute Putin’s denial that the Kremlin was responsible for the hacking and release of Democratic operatives’ emails in 2016. Trump said, “I don’t see any reason why it would be” Russia, and repeatedly condemned the investigation into that attack. He also complimented Putin on his “interesting idea” to allow members of Mueller’s team to come to Russia to continue their investigation into indicted GRU operatives—but only in exchange for Trump sending some of Putin’s most vocal critics in the United States and the West, including former U.S. ambassador to Russia Michael McFaul and investor and Magnitsky Act proponent Bill Browder, to Russia for questioning.

As he has with several of his most appalling statements, Trump soon attempted to walk back his comments in the wake of a firestorm of outrage, claiming he had misspoken and intended to say he didn’t “see any reason why it wouldn’t be Russia.” Though the clarification was quickly embraced by Republicans eager to let Trump off the hook at all costs, the rest of the world knew

what they had seen: the president siding with a hostile foreign leader who ordered an attack on American democracy over those in his own country attempting to punish that attack and prevent further interference.

TRUMP'S MOTIVATIONS

What makes Trump's actions and rhetoric toward Russia so difficult to comprehend is that, with an intense political scandal raging over Trump's links to Russia, he has every political incentive to adopt a stronger and more confrontational approach to Russia. Instead, Trump has repeatedly praised Putin and refused to act against Russian interests.